

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK WAYNE CLARK,)	CASE NO. C04-1647-JCC-MAT
)	
Plaintiff,)	
)	
v.)	ORDER DIRECTING DEFENDANTS
)	TO FILE ANSWER TO COMPLAINT
DEAN MASON, et al.,)	
)	
Defendants.)	
_____)	

On May 19, 2005, United States District Judge John C. Coughenour adopted the court's Report & Recommendation on defendants' motion to dismiss. (Dkt. #96). Defendants had filed a motion to dismiss in lieu of an answer to plaintiff's *pro se* complaint, in this action brought pursuant to 42 U.S.C. § 1983. (Dkt. #39). Also on May 19, 2005, the undersigned United States Magistrate Judge issued an Order setting pretrial deadlines for discovery and motions. (Dkt. #97). However, because no answer had yet been filed, it now appears that the pretrial scheduling Order was issued in error. Accordingly, the court finds and ORDERS as follows:

- (1) The Order setting a pretrial schedule (Dkt. #97) is hereby VACATED.
- (2) Defendants shall have thirty (30) days from the date of this Order to file and serve an answer to the complaint. Defendants shall construe the complaint in light of Judge Coughenour's Order of May 19, 2005, which eliminated certain claims and defendants from this action.

01 (3) The Clerk is directed to send a copy of this Order to plaintiff, to counsel for
02 defendants, and to the Honorable John C. Coughenour.

03 DATED this 20th day of May, 2005.

04 

05 Mary Alice Theiler
06 U.S. Magistrate Judge